

### **REMARKS**

Claims 1, 2, 4, 6, 7, 11-17, 19, 20, and 24-28 are pending. Claims 1 and 16 have been amended to include clarifying features from dependent claims that are now canceled in this application. Because the features added by amendment to claims 1 and 16 were previously examined, it is respectfully submitted that the addition of the features of these claims into claims 1 and 16 raises no new issues requiring further searching or consideration by the Examiner. Entry of this paper is therefore respectfully requested.

In the Final Office Action, the Examiner rejected claims 1, 2, 11, 12, 15-17, 24, and 27 under 35 USC § 102(e) for being anticipated by the Hiramatsu patent. Applicants traverse this rejection for the following reasons.

Claim 1 has been amended to recite that “the data block is retransmitted in consecutive sequence with an additional data block initially transmitted by the second one of the plurality of antennas.” In addition, the following steps have been added: “resuming sequential selection of the plurality of antennas after the data block is retransmitted through the second one of the plurality of antennas; and transmitting additional data blocks through the sequentially selected antennas.” These features are not disclosed by the Hiramatsu patent.

The Hiramatsu patent discloses a data transmission system having two antennas, and that a base station performs antenna change control in accordance with a reported value representing the estimated quality of reception. When a reception signal quality is above a predetermined level, data is continuously transmitted through the first antenna. And, when the reception signal

quality falls below the predetermined level, the second antenna is used to transmit subsequent data.

However, Hiramatsu does not disclose receiving a first signal indicating that an error occurred during transmission or reception of the data block, and retransmitting the data block through the second one of the plurality of antennas, wherein the data block is retransmitted in consecutive sequence with an additional data block initially transmitted by the second one of the plurality of antennas. Hiramatsu also does not disclose resuming sequential selection of the plurality of antennas after the data block is retransmitted through the second one of the plurality of antennas, and transmitting additional data blocks through the sequentially selected antennas as is further recited in claim 1.

Concerning these differences, Applicants further note that the reception signal quality of Hiramatsu does not provide “an indication of whether an error occurred during the transmission or reception of data” [e.g., NACK] of Applicant’s claimed invention. Also, retransmitting a previously transmitted data block as recited in claim 1 is also not performed by Hiramatsu. In addition, the resuming step and the step of transmitting additional data blocks are not performed or even considered by the teachings of Hiramatsu.

Because the Hiramatsu patent does not disclose all the features of claim 1, it is respectfully submitted that the Hiramatsu patent does not anticipate claim 1 or any of its dependent claims.

Claim 16 has been amended to recite features similar to those added to claim 1. Applicants therefore submit that claim 16 and its dependent claims are allowable over Hiramatsu.

Claims 4, 6, 7, 9, 10, 19, 20, 22, 23, and 28 were rejected under 35 USC § 103(a) for being obvious in view of a Hiramatsu-Eastmond combination, and claims 13, 14, 25, and 26 were rejected for being obvious in view of a Hiramatsu-Eastmond-Texas Instruments combination. Applicants traverse these rejections on grounds that the Eastmond patent and Texas Instruments article do not teach or suggest the features of base claims 1 and 16 missing from the Hiramatsu patent.

That is, Eastmond and TI do not teach or suggest receiving a first signal indicating that an error occurred during transmission or reception of the data block. In addition, Eastmond and TI do not teach or suggest retransmitting the data block through the second one of the plurality of antennas, wherein the data block is retransmitted in consecutive sequence with an additional data block initially transmitted by the second one of the plurality of antennas; resuming sequential selection of the plurality of antennas after the data block is retransmitted through the second one of the plurality of antennas; and transmitting additional data blocks through the sequentially selected antennas. Withdrawal of the § 103(a) rejections is respectfully requested based on these differences.


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In view of the foregoing amendments and remarks, it is respectfully submitted that this application is in condition for allowance. Favorable consideration and prompt allowance are earnestly solicited.

To the extent necessary, a petition for an extension of time under 37 C.F.R. 1.136 is hereby made. Please charge any shortage in fees due in connection with the filing of this, concurrent and future replies, including extension of time fees, to Deposit Account 16-0607 and please credit any excess fees to such deposit account.

Respectfully submitted,  
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